



**Billing Code 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 622**

**RIN 0648-BJ76**

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery off the South Atlantic States; Amendment 11**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Availability of proposed amendment; request for comments.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) has submitted Amendment 11 to the Fishery Management Plan (FMP) for the Shrimp Fishery of the South Atlantic Region (Shrimp FMP) for review, approval, and implementation by NMFS. If approved by the Secretary of Commerce, Amendment 11 to the Shrimp FMP (Amendment 11) would modify the transit provisions for shrimp trawl vessels with brown, pink, and white shrimp on board in Federal waters of the South Atlantic that have been closed to shrimp trawling to protect white shrimp as a result of cold weather events. The purpose of Amendment 11 is to update the regulations to more closely align with current

fishing practices, reduce the socio-economic impacts for fishermen who transit these closed areas, and improve safety at sea while maintaining protection for overwintering white shrimp.

**DATES:** Written comments must be received on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may submit comments on Amendment 11, identified by "NOAA-NMFS-2020-0066," by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0066](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0066), click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Frank Helies, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on

*www.regulations.gov* without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

Electronic copies of Amendment 11, which includes a fishery impact statement, a Regulatory Flexibility Act analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office Web Site at <https://www.fisheries.noaa.gov/action/amendment-11-shrimp-trawl-transit-provisions/>.

**FOR FURTHER INFORMATION CONTACT:** Frank Helies, telephone: 727-824-5305, or email: *Frank.Helies@noaa.gov*.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any FMP or FMP amendment to the Secretary of Commerce (the Secretary) for review, and approval, partial approval, or disapproval. The Magnuson-Stevens Act also requires that the Secretary, upon receiving an FMP or amendment, publish an announcement in the **Federal Register** notifying the

public that the FMP or amendment is available for review and comment.

The Council prepared the Shrimp FMP that is being revised by Amendment 11. If approved, Amendment 11 would be implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Act.

### **Background**

Amendment 9 to the Shrimp FMP revised the criteria and procedures by which a South Atlantic state may request that NMFS implement a concurrent closure to the harvest of penaeid shrimp (brown, pink, and white shrimp) in the exclusive economic zone (EEZ) when state waters close as a result of severe winter weather (78 FR 35571; June 13, 2013). The Shrimp FMP provides that if a state has determined there is at least an 80-percent reduction in the population of overwintering white shrimp, or that state water temperatures were 9° C (48° F) or less for at least 7 consecutive days, the state can request NMFS to close the EEZ adjacent to that state's closed waters to the harvest of penaeid shrimp to protect the white shrimp spawning stock that has been severely depleted by cold weather.

Currently, shrimp trawl vessels transiting these EEZ cold weather closed areas with penaeid shrimp on board are

required to stow a trawl net with a mesh size of less than 4 inches (10.2 cm) below deck. Since the most recent cold weather EEZ closures off South Carolina (83 FR 2931; January 22, 2018) and Georgia (83 FR 3404; January 25, 2018), fishermen requested that the Council update these transit provisions. Fishermen requested this change to achieve increased ability to transit the closed areas, as recent vessel design changes have limited access to below deck storage.

Amendment 11 is expected to update the FMP and the regulations to better match the current design of the vessels in the fishery, reduce the socio-economic impact for fishermen who have difficulty transiting the cold weather closed areas with penaeid shrimp onboard their vessels under the current regulations, and improve safety at sea for fishermen through reduced travel time around the closed areas and by not having to disassemble fishing gear while at sea for stowage below deck, while maintaining protection for overwintering white shrimp and regulation enforceability of the cold weather closed areas.

#### **Action Contained in Amendment 11**

Amendment 11 would allow a vessel to transit South Atlantic cold weather closed areas in the EEZ while

possessing penaeid shrimp, provided the vessel is in transit and fishing gear is appropriately stowed. Transit would be defined as non-stop progression through the area with fishing gear appropriately stowed. Fishing gear appropriately stowed would be defined as trawl doors are in the rack (cradle) on deck, nets would be in the rigging and tied down, and the try net would be on the deck. Doors in the rack means the trawl doors are stowed in their storage racks out of the water on the vessel's deck. Nets in the rigging means the trawl nets are out of the water and are tied to the trawl vessel's rigging.

The proposed transit provision was developed and recommended to the Council by the Council's Law Enforcement, Shrimp, and Deep-water Shrimp Advisory Panels. Amendment 11 and the proposed rule are expected to reduce adverse socio-economic and safety at sea impacts associated with the current transit provisions through reduced travel time around the closed areas and time on the water for fishermen by not requiring gear stowage below deck. Fishermen also stated that having to disassemble trawl gear for below deck stowage in rough sea conditions is a safety-at-sea concern.

#### **Proposed Rule for Amendment 11**

A proposed rule that would implement Amendment 11 has been drafted. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the Shrimp FMP, Amendment 11, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

#### **Consideration of Public Comments**

The Council has submitted Amendment 11 for Secretarial review, approval, and implementation. Comments on Amendment 11 must be received by [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Comments received during the respective comment periods, whether specifically directed to Amendment 11 or the proposed rule, will be considered by NMFS in the decision to approve, disapprove, or partially approve Amendment 11. All comments received by NMFS on the amendment or the proposed rule during their

respective comment periods will be addressed in the final rule.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: July 6, 2020.

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Jennifer M. Wallace,  
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National Marine Fisheries Service.

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